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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 8-22-95 cm

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of)

MICHAEL E. KANEFSKY, D.D.S.)

Licensed to Practice Dentistry)
in the State of New Jersey)

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information which disclosed that Kevin T. Lipka, D.D.S. and Michael E. Kanefsky, D.D.S., P.A., d/b/a The Dental Center, located at 610 Bloomfield Avenue, Bloomfield, New Jersey, entered into a settlement agreement resolving claims brought against them in a suit by Delta Dental Plan of New Jersey, Inc. resulting from a fee verification audit by making restitution to Delta Dental Plan. Further, the Board has received information that The Dental Center has agreed to settle claims made by the New Jersey Department of Insurance, Insurance Fraud Division, by consenting to pay a civil penalty.

It appearing that the parties wish to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 5th DAY OF July, 1995,

HEREBY ORDERED AND AGREED THAT:

1. The license of the respondent to practice dentistry in the State of New Jersey shall be and is hereby suspended for a period of three (3) years. The entire period of suspension shall be stayed and constitute a probationary period for the respondent.

2. Respondent is hereby assessed a civil penalty in the amount of \$12,500.00. The civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board of Dentistry together with submission of this Consent Order executed by the respondent.

3. Respondent shall perform 300 hours of dental community service at a facility to be approved by the Board. In the event respondent does not submit to the Board within 45 days of the entry date of this Order the name of a facility which has agreed to permit respondent to perform dental community service in accordance with the terms of this Order, the Board shall designate the facility. Said community service shall be completed within one and one-half (1 1/2) years after approval of the facility has been granted by the Board. Respondent shall comply with the dental protocol and procedures as required by the designated facility. The facility shall appoint an individual to supervise the community service to be provided by the respondent, and said individual shall be authorized to provide the Board with confirmation that the respondent has commenced the performance of dental services and continues to perform said service in accordance with the schedule to be established by the facility and the respondent. In the event the performance of the community service at the designated facility is discontinued for any reason whatsoever,


the respondent shall donate ^{approved} the balance of required hours at an alternative facility designated by the Board.

4. Random and unannounced audits of respondent's patient records and billing records may be conducted by the Board's designees at the Board's discretion, and at the reasonable expense of respondent for the entire probationary period. On demand made, respondent shall immediately make available all records necessary to conduct the audit as determined by the Board or its designees. The cost of each such audit shall be based on the standard hourly rate for the Board's investigators prevailing at the time of the audit and shall be due and payable within ten (10) days of the respondent's receipt of a statement of such costs from the Executive Director of the Board. Respondent represents herein that all patient and billing records are maintained at The Dental Center, 610 Bloomfield Avenue, Bloomfield, New Jersey. The audits provided for herein shall be conducted in a reasonable manner so as not to disrupt the treatment of patients and at a reasonable frequency.

5. This Consent Order and the penalties imposed herein resolve all claims expressly alleged by Delta Dental Plan in its suit against respondent (Mercer County Superior Court - Docket No. C-91-0169) or which could have been alleged by Delta Dental Plan through December 31, 1992, except as to future complaints or claims which may be filed with the Board by Delta insured individual patients concerning dental treatment rendered by the respondent prior to December 31, 1992.

6. Consent to entry of the within Order is given by

respondent without any admission of liability or wrongdoing.



STEPHEN CANDIO, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY

I have read and understand
the within Order and agree to
be bound by its terms. Consent
is hereby given to the Board to
enter this Order.



MICHAEL E. KANESKY, D.D.S.